



U.S. Department of Justice

United States Attorney
Northern District of California

Federal Courthouse
1301 Clay Street, Suite 340S
Oakland, California 94612

(510) 637-3689

FAX: (510) 637-3679

September 18, 2007

Honorable Wayne D. Brazil
United States Magistrate Judge
3rd Floor, Federal Courthouse
1301 Clay Street
Oakland, Ca. 94612

Subj: Request for Calendaring – William Lusk, III – CR-07-374-MJJ

Dear Judge Brazil,

Kelly in the Clerk's office brought to my attention today that the court's docket does not reflect that Mr. Lusk formally waived indictment on the Information filed on June 13, 2007. Mr. Lusk pled guilty to that single count Indictment last Friday, September 14, 2007, before Judge Jenkins. To rectify this procedural gap, I have spoken with AFD Jerome Matthews and our joint request is that the matter be calendared before the Court to obtain the waiver of indictment, and to confirm that the defendant was advised by his counsel prior to pleading guilty before Judge Jenkins that he understood he had a right to require the government to present his case to the grand jury, rather than proceeding by Information.

Our request is that the above matter be calendared for waiver of indictment on **October 2, 2007, at 10:00 a.m.** Mr. Lusk is scheduled to appear that morning at 9:00 a.m. before Judge Armstrong on the Form 12 Petition pending before Judge Armstrong.

Thank you for your consideration of this request.

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney


GEORGE L. BEVAN JR.
Assistant United States Attorney